UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/950
3 December 1997

ORIGINAL: ENGLISH

LETTER DATED 3 DECEMBER 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 3 December 1997, which I have received from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring the Director General's letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-34978 (E) 041297

/...

Annex

Letter dated 3 December 1997 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I refer to the annex to the letter circulated as document S/1997/930 on 28 November 1997, which contains Iraq's comments on the 24 November Security Council briefing by the leader of the International Atomic Energy Agency Action Team. The briefing covered the status of five matters described in paragraph 75 of the fourth consolidated progress report of IAEA (S/1997/779, appendix). The notes of that briefing, a copy of which is attached, were provided to the Council at the request of its members (see appendix).

In document S/1997/930, Iraq concluded that the matters in question required no further clarification. However, Iraq provided no basis to support its conclusion. It is for that reason that an IAEA team intends to visit Iraq during the third week of December in an effort to clarify the five matters. The team is also expected to address other important verification matters, such as the use of fixed-wing aircraft in Iraq.

The Agency considers that resolution of the five matters would provide further assurance that the technically coherent picture of Iraq's clandestine nuclear programme is comprehensive and that there are no activities that are outside that picture. Further, a fuller understanding of the technical achievements of Iraq's clandestine nuclear programme will enable the Agency to tailor its ongoing monitoring and verification activities appropriately.

I would be grateful if you could bring the present letter to the attention of the Security Council.

(Signed) Mohamed EL BARADEI

nuclear programme and to take measures to remove all physical evidence of that programme.

7. As I have stated, the existence of the "Governmental Committee" was declared by the Iraqi counterpart during the May 1997 presentation, and the senior counterpart, Dr. Jaffar Dhia Jaffar, the former head of Iraq's clandestine nuclear programme, was asked by me to clarify its function further.

8. Dr. Jaffar responded that since the Committee was under the chairmanship of Deputy Prime Minister Tariq Aziz, he would have to seek clearance before responding. Since that time Iraq has chosen to take the line that the Committee, the existence of which Iraq voluntarily declared in May 1997, did not and does not exist.

9. The reluctance of IAEA to accept this contradiction is because such a committee might be the policy and decision organ of a contemporary concealment mechanism.

2. External assistance to Iraq's clandestine programme

10. The so-called Haider House farm documentation cache contained a collection of several hundred pages of information regarding the involvement of Iraq's general intelligence service, the Mukhabarat, in Iraq's clandestine nuclear programme. As recorded in the IAEA report (S/1997/779, appendix), the Iraqi counterpart initially denied the role of the Mukhabarat, but when faced with copies of Iraq's own documentation showing the role played by the Mukhabarat in clandestine procurement, he stated that it had constituted a very small component of the total petrochemical-3 (PC-3) procurement project. The procurement aspect has essentially been clarified, although some questions remain as to the fate of specialized batteries, procured through the Mukhabarat, for potential use in the firing circuit of a nuclear weapon.

11. The Mukhabarat files also contained some information regarding unsolicited offers of assistance to Iraq's clandestine nuclear programme that were judged to warrant further investigation. Iraq has long maintained a strategy of avoiding volunteering information but rather limiting the scope of information it provides to its estimate of the extent of our knowledge. It was therefore decided to ask Iraq to provide information on all significant offers of assistance to its clandestine nuclear programme.

12. Discussions along those lines were initiated in 1996 when it was volunteered, by Dr. Halim Al Hajjaj, the Vice-Chairman of the Iraqi Atomic Energy Commission (IAEC), that he maintained a file of such instances, which he offered to make available to IAEA in the near future. Subsequent discussions on this topic were usually met with statements by Dr. Al Hajjaj that the person responsible for that file was variously "on vacation" or "on sick leave" or otherwise unavailable. When the matter was addressed during the July 1997 visit, by the technical team, the team was advised that, for no apparent reasons, the file had been destroyed. Nonetheless, the team entered into discussion with Dr. Hajjaj and Dr. Jaffar, but neither of those officials volunteered anything of note.

13. The topic remained at an impasse until it was raised with Iraq's Minister of Culture and Information, Dr. Humam Ghaffour, during his participation in the General Conference of IAEA, held in Vienna from 29 September to 3 October 1997. Again, IAEA attempted to convince the Iraqi counterpart that information volunteered was of much greater significance than information extracted, but Dr. Ghaffour reiterated Iraq's request to have specific case-by-case information. After several discussions, IAEA eventually provided to Dr. Ghaffour, as an example of the information available to IAEA, a letter from an official (coded 15B) to his IAEC counterpart (coded 15S) - the same two respective officials who had corresponded on clandestine procurement matters. The sample letter provided to Dr. Ghaffour indicates that the Mukhabarat were confident that the source of assistance was valid and worth pursuing. Although notations on the letter show IAEC to have been more circumspect, they include a request from IAEC that the Mukhabarat endeavour to obtain samples from the source.

14. I have previously pointed out to the Security Council the serious challenge that would face the ongoing monitoring and verification plan of IAEA if Iraq were to acquire weapon-usable nuclear material directly. It is this challenge that makes it essential to resolve all matters involving potential external assistance to Iraq's clandestine nuclear programme. In his letter to me received on 9 October 1997, Dr. Ghaffour stated that he had "already carried out urgent preliminary contacts on this matter" and recorded the need for some extra time to be able to provide something of substance. Dr. Ghaffour recorded his assurance that Iraq was taking the matter seriously.

3. The motives behind the actions ascribed to the late Lt.-Gen. Hussein Kamel that resulted in the concealment of the cache of documentation, material and equipment "discovered" at the Haider House farm

15. It is also appropriate to recall the text at the end of paragraph 14 of the IAEA report (S/1997/779, appendix), which states, in relation to the May 1997 visit by the technical team, that it had also been expected to obtain an understanding of the objectives, scope and duration of the assumed attempts by the late "Hussein Kamel and his group" (a phrase introduced by Mr. Tariq Aziz) to sustain the nuclear programme beyond April 1991.

16. Paragraph 12 of resolution 687 (1991) opens with the decision that Iraq must unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapon-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above. Contrary to the obligations it accepted on 6 April 1991, Iraq was, at least until 20 August 1995, concealing and retaining some proscribed items. The circumstances raise a number of questions:

(a) When, if ever, was Iraq's clandestine nuclear programme abandoned?

(b) Did the items stored at the Haider House farm and those reportedly destroyed at the farm near Abu Grahib comprise all of the illegally retained items or were they merely a collection of unwanted duplicate documents and low-

value equipment and materials? Or was it a collection that could be offered up to UNSCOM and IAEA to satisfy questions that were likely to arise from their respective discussions with Hussein Kamel, thereby making it possible for Iraq to retain more valuable items?

(c) What other reason could there have been for the retention of proscribed items other than an intention to reconstitute the programme?

(d) When, if ever, was the ambition to reconstitute the programme abandoned?

17. Much of the discussions with the Iraqi counterpart in 1997 were directed towards the exploration of these questions in order to determine what, if any, information was available to support a conclusion that the programme had been abandoned or at least substantially interrupted. Much useful information has been provided by Iraq detailing the dissolution of the PC-3 programme and the reassignment of its constituent departments to non-proscribed activities. However, Iraq's reluctance to address the "Hussein Kamel" question is problematic.

4. The inclusion in Iraq's "full, final and complete declaration" of a summary of the practical and theoretical achievements of its clandestine nuclear programme

18. This matter was first raised with Iraq in May 1997. Iraq has chosen to avoid properly responding to the request on the grounds that it fears that such a summary would provoke extended discussion, which could further delay the Security Council's assessment of its compliance with paragraph 12 of resolution 687 (1991). Iraq has informally offered to produce such a summary after, to quote Iraq, "the nuclear file is closed".

5. The provision of the promised written description of Iraq's post-war procurement system

19. This information was requested of Iraq in a constructive attempt to avoid confusion between Iraq's "un-advertised" procurement system for non-proscribed equipment and materials that are eventually declared to IAEA, and the concerns about Iraq's clandestine procurement of proscribed, or undeclared, dual-use equipment and materials.

20. The information so far provided by Iraq is incomplete, but the provision of the missing information should be a simple administrative matter. This is not a matter of major significance.

21. In conclusion, I would once again refer to paragraph 83 of the IAEA report (S/1997/779, appendix), in which it is stated that IAEA was not "closing the books" on its investigation of Iraq's clandestine nuclear programme and would continue to exercise its right to investigate any aspect of that programme, in particular through the follow-up of any new information developed by IAEA or

provided by Member States and assessed by IAEA to warrant further investigation, and to destroy, remove or render harmless any proscribed items discovered through such investigations.

22. I apologize for the lengthy nature of this briefing and thank you for your attention.